

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-33200-2020

Date of decision:-16.10.2020

Ravi Kant

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Monty Goyal, Advocate
for the petitioner.

Mr.H.S. Sullar, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Ravi Kant, aged 31 years, an accused in FIR No.172 dated 7.10.2019 for an offence under Section 376 IPC, registered with Police Station City, Gurdaspur, Tehsil and District Gurdaspur.

Briefly stated, the facts of the case are that criminal machinery was set into motion by prosecutrix (name not being mentioned to conceal her identity and referred to as '*the complainant/the victim*'), who in the written complaint addressed to Senior Superintendent of Police, Gurdaspur levelled allegations against Ravi Kant (present petitioner) and some other persons to the effect that Ravi Kant representing himself to be a bachelor had promised to marry her and make her partner in his company and by giving that allurements had physically

exploited her having sexual intercourse with her on several occasions without her consent; subsequently the complainant came to know that Ravi Kant was already married and his company was also a fake one. On the basis of such complaint, formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Gurdaspur vide order dated 21.9.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.H.S. Sullar, DAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent – State.

I have heard learned counsel for the parties besides going through the records.

The allegations against the petitioner are very grave and serious. In case of **State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268**, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being

carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

16.10.2020

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No